

DISPOSITION: May 26, 1949. Schuylkill Valley Grocery Co., Inc., Norristown, Pa., claimant, having consented to the entry of a decree, judgment of condemnation was entered. The court ordered that the product be released under bond, to be relabeled under the supervision of the Food and Drug Administration.

DRIED FRUIT

14977. Adulteration of dried apple chops. U. S. v. 750 Cases * * *. (F. D. C. No. 27048. Sample No. 42130-K.)

LIBEL FILED: April 21, 1949, Northern District of Illinois.

ALLEGED SHIPMENT: On or about February 28, 1949, by the Valley Evaporating Co., from Yakima, Wash.

PRODUCT: 750 40-pound cases of dried apple chops at Chicago, Ill.

LABEL, IN PART: "Dried Apple Chops."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted of whole or in part of a filthy substance by reason of the presence of insects, insect fragments, and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 13, 1949. Default decree of condemnation. The court ordered that the product be delivered to a public institution, for use as animal feed.

14978. Adulteration of dried apples. U. S. v. 20 Cases * * *. (F. D. C. No. 26945. Sample No. 1721-K.)

LIBEL FILED: On or about April 8, 1949, Northern District of Georgia.

ALLEGED SHIPMENT: On or about January 25, 1949, by the Valley Evaporating Co., from Cowiche, Wash.

PRODUCT: 20 25-pound cases of dried apples at Atlanta, Ga.

LABEL, IN PART: "Southern Special Washington Evaporated Apples."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of rodent excreta and rodent hairs; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: May 16, 1949. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

14979. Adulteration of dried peaches. U. S. v. 50 Boxes * * * (and 1 other seizure action). (F. D. C. Nos. 26976, 26984. Sample Nos. 1389-K. 1390-K.)

LIBELS FILED: April 6, 1949, Western District of South Carolina.

ALLEGED SHIPMENT: On or about January 21, 1949, by Hunt Foods, Inc., Guggenheim Div., San Jose, Calif.

PRODUCT: 89 boxes, each containing 30 pounds, of dried peaches at Greenville, S. C.

LABEL, IN PART: "California Dried Peaches Phoenix Packing Company, San Francisco, Cal."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a filthy substance by reason of the presence of insects; and, in addition, a portion of the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed peaches.

DISPOSITION: May 16, 1949. Default decrees of condemnation. The court ordered that the product be delivered to a charitable institution, for use as animal feed.

MISCELLANEOUS FRUIT AND FRUIT PRODUCTS

14980. Action to enjoin and restrain the interstate shipment of cherry juice. U. S. v. Wesley Orbaker. Consent decree granting injunction. (Inj. No. 200).

COMPLAINT FILED: October 4, 1948, Western District of New York, against Wesley Orbaker, Williamson, N. Y.

NATURE OF CHARGE: The defendant, Wesley Orbaker, had been and was at the time of filing the complaint, introducing and delivering for introduction into interstate commerce at Williamson, N. Y., cherry juice which was adulterated in violation of Section 402 (a) (3), in that it consisted in whole or in part of a filthy, putrid, or decomposed substance, such as decayed fruit material; and, Section 402 (a) (4), in that it had been prepared and held under insanitary conditions whereby it may have become contaminated with filth.

The complaint alleged further that the filthy, putrid, or decomposed substance of which the product consisted in whole or in part, was derived from rotten, decayed, moldy, and wholly or partly fermented cherries, which were pressed by the defendant to obtain cherry juice. The insanitary conditions in which the product had been prepared, arose out of the presence of vinegar flies and other insects in the defendant's plant where the cherry juice was prepared, and in the machinery and equipment used.

PRAYER OF COMPLAINT: That the defendant be perpetually enjoined from commission of the acts complained of, and that a preliminary injunction be granted during the pendency of the action.

DISPOSITION: October 21, 1948. The defendant having consented to the entry of a decree, judgment was entered enjoining the defendant from introducing or delivering, or causing the introduction or delivery of, for introduction into interstate commerce, cherry juice which was in violation of the Federal Food, Drug, and Cosmetic Act.

14981. Adulteration of fig paste. U. S. v. Frederick Ernest Hadley (F. E. Hadley & Sons), and F. Edward Hadley. Pleas of nolo contendere. Frederick Ernest Hadley fined \$500 and F. Edward Hadley fined \$250. (F. D. C. No. 26754. Sample No. 37927-K.)

INFORMATION FILED: April 19, 1949, Southern District of California, against Frederick Ernest Hadley, trading as F. E. Hadley & Sons, Merced, Calif., and F. Edward Hadley.

ALLEGED SHIPMENT: On or about September 10, 1948, from the State of California into the State of Washington.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in part of a decomposed substance by reason of the presence of fermented fig paste.

DISPOSITION: April 25, 1949. Pleas of nolo contendere having been entered, Frederick Ernest Hadley was fined \$500 and F. Edward Hadley was fined \$250.

14982. Adulteration of apple pomace. U. S. v. 737 Bags * * *. (F. D. C. No. 27000. Sample No. 10166-K.)

LIBEL FILED: April 12, 1949, District of New Jersey.